

FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

OPERATING ENGINEERS LOCAL
312 HEALTH & WELFARE FUND

and

OPERATING ENGINEERS LOCAL
312 APPRENTICESHIP FUND

Plaintiffs,

vs.

AMERICAN MARIETTA CORP.,

Defendant.

ENTERED

JAN 21 2000

CV 99-L-1477-S

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U.S. DISTRICT COURT
N.D. OF ALABAMA

Findings and Conclusions

This cause coming on to be heard on the written application of plaintiffs, supported by certificate for judgment by default in favor of plaintiffs and against defendant pursuant to Rule 55, Federal Rules of Civil Procedure, the court makes the following findings and conclusions:

1. The summons and complaint were served upon defendant via certified mail on June 25, 1999. Defendant has failed to appear, or otherwise defend.

2. Defendant is not an infant or incompetent person, nor served in the military service of the United States since the filing of this suit nor for a period of six months prior to such filing.
3. After reviewing the submission of plaintiffs in the form of a sworn affidavit of Roni Pickens, the Plan Administrator for plaintiffs, the court finds that defendant is indebted to plaintiff in the sum of \$1,634.77, plus attorneys' fees and court costs. A judgment will be entered accordingly.

DONE this 21st day of January 2000.



SEYMORE D. LANE
SENIOR JUDGE